

**Meeting of the Central Valley Flood Protection Board  
July 18, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18342 (Attachment A) to install electrical cable through levee (jack and bore); and excavate a trench and install cable on landside shoulder crown of the left (east) bank levee of the Feather River.

Applicant

Union Pacific Railroad

Location

The project is located in Marysville, west of Highway 70 and north of 18th Street (Feather River, Yuba County, see Attachment B).

Description

To install electrical cable through levee (jack and bore); and excavate a 3-foot-deep, 1000-foot-long trench and install cable on landside shoulder crown of the left (east) bank levee of the Feather River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the July 18, 2008 Board meeting.
- The Marysville Levee Commission has endorsed this project.

CEQA Findings:

Board staff recommends that the Board adopt the following CEQA findings:

The Marysville Levee Commission (MLC), as lead agency under CEQA, approved the project on June 23, 2008 and determined that the project was categorically exempt

under Class 1, Existing Facilities, Section 15301 (SCH # pending). The MLC found that the project consists of the upgrade and maintenance of existing public or private structures, facilities, mechanical equipment, or topographic features involving no negligible or no expansion of use beyond that existing at the time of the MLC's determination.

The Board, acting as a responsible agency under CEQA, has independently reviewed the MLC's findings, and finds the project exempt from CEQA.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board adopt the CEQA findings and approve the permit.

### List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18342 BD****This Permit is issued to:**

Union Pacific Railroad  
1400 Douglas Street, Stop 0910  
Omaha, Nebraska 68179-0910

To install electrical cable through levee (jack and bore); and excavate a 3-foot-deep, 1,000-foot-long trench and install cable on landside shoulder crown of the left (east) bank levee of the Feather River. The project is located in Marysville, west of Highway 70 and north of 18th Street (Section 13, T15N, R3E, MDB&M, Marysville Levee Commission, Feather River, Yuba County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

## **SPECIAL CONDITIONS FOR PERMIT NO. 18342 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Marysville Levee Commission or any other agency responsible for maintenance.

**FIFTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**SIXTEEN:** The Central Valley Flood Protection Board, Department of Water Resources, and Marysville Levee Commission shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

**SEVENTEEN:** The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

**EIGHTEEN:** The permittee shall be responsible for repair of any damages to the project levee and

other flood control facilities due to construction, operation, or maintenance of the proposed project.

NINETEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

TWENTY: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-ONE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-TWO: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-THREE: Communication lines other than fiber-optic cables installed through the levee and within 10 feet of the levee toes shall be encased in Schedule 40 PVC conduit or equivalent.

TWENTY-FOUR: The conduit/cable shall be placed in the center of an open trench 2 feet wider than the diameter of the conduit/cable.

TWENTY-FIVE: Backfill material for excavations within the levee section and within 10 feet of the levee toes shall be placed in 4- to 6-inch layers, moisture conditioned above optimum moisture content, and compacted to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-SIX: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the levee section or within 10 feet of the levee toes.

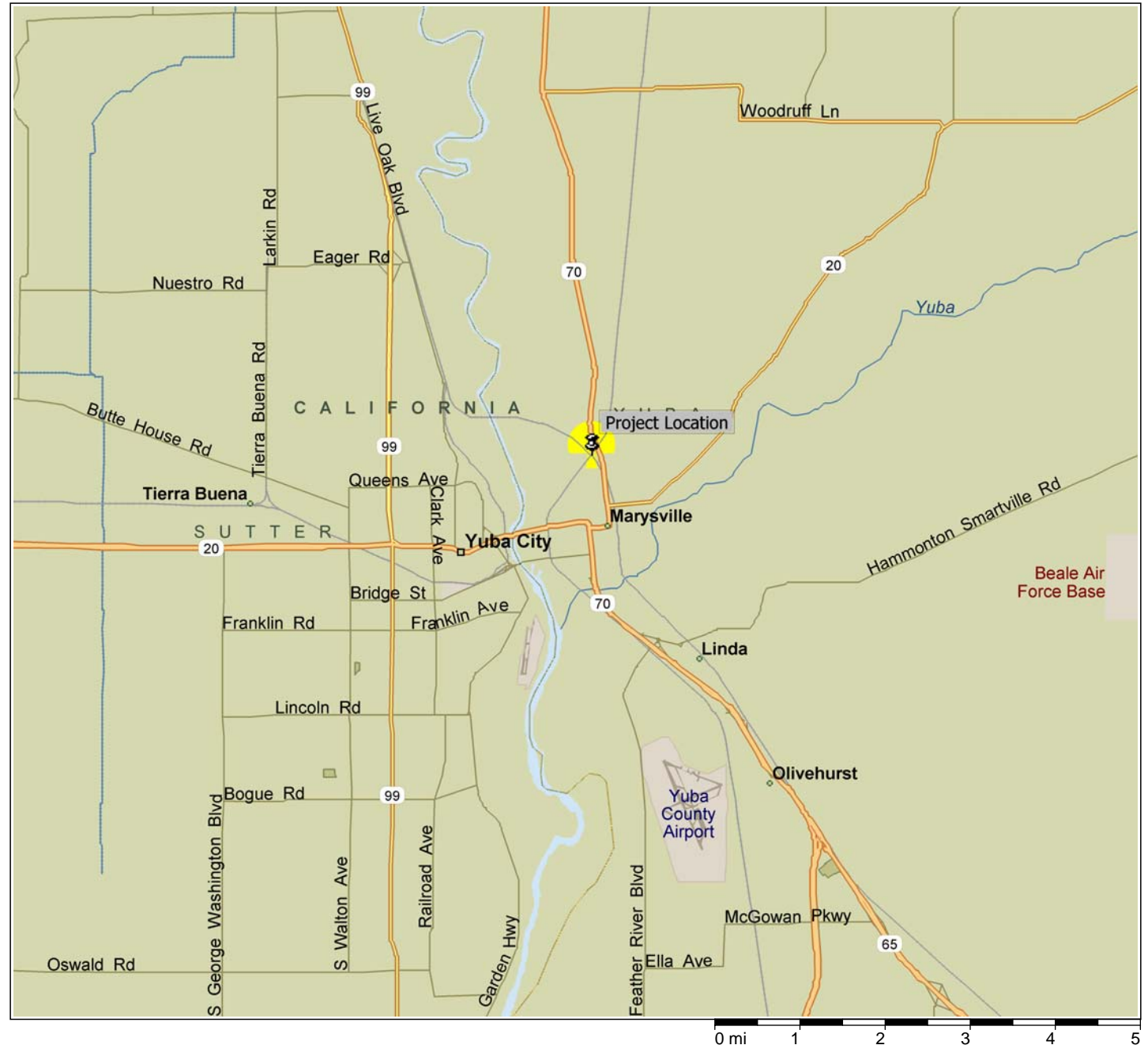
TWENTY-SEVEN: Voids within the annular space exterior to the conductor casing, created by the directional boring, shall be filled with cementitious grout.

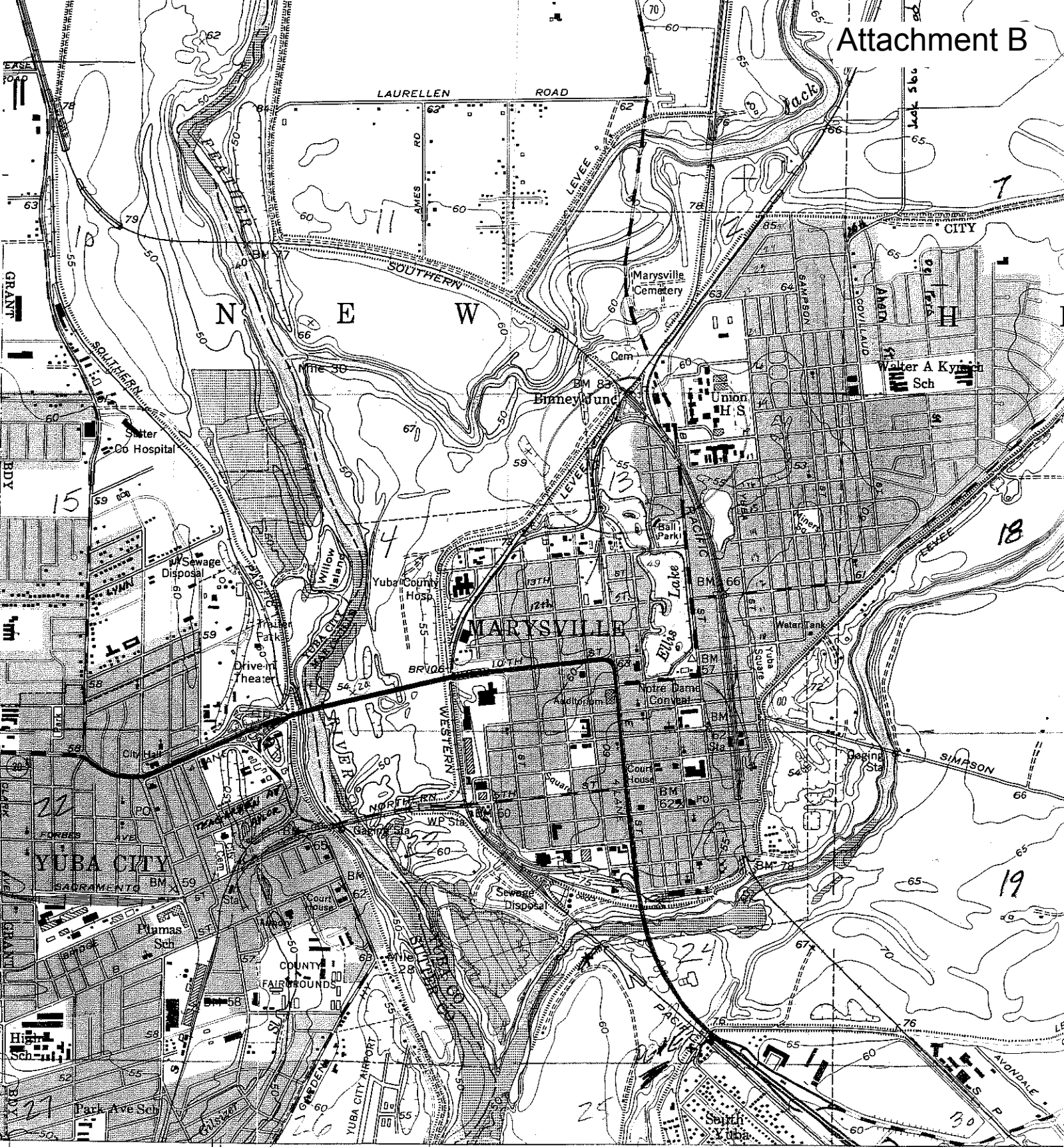
TWENTY-EIGHT: All debris generated by this project shall be disposed of outside the floodway and off the levee section.

TWENTY-NINE: The project site shall be restored to at least the condition that existed prior to commencement of work.

THIRTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated July XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.

## 18342 - Location and Overview Maps

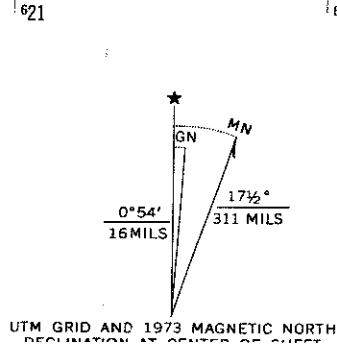




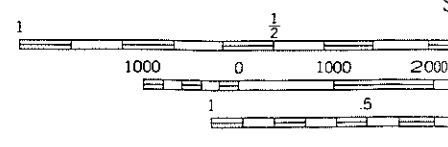
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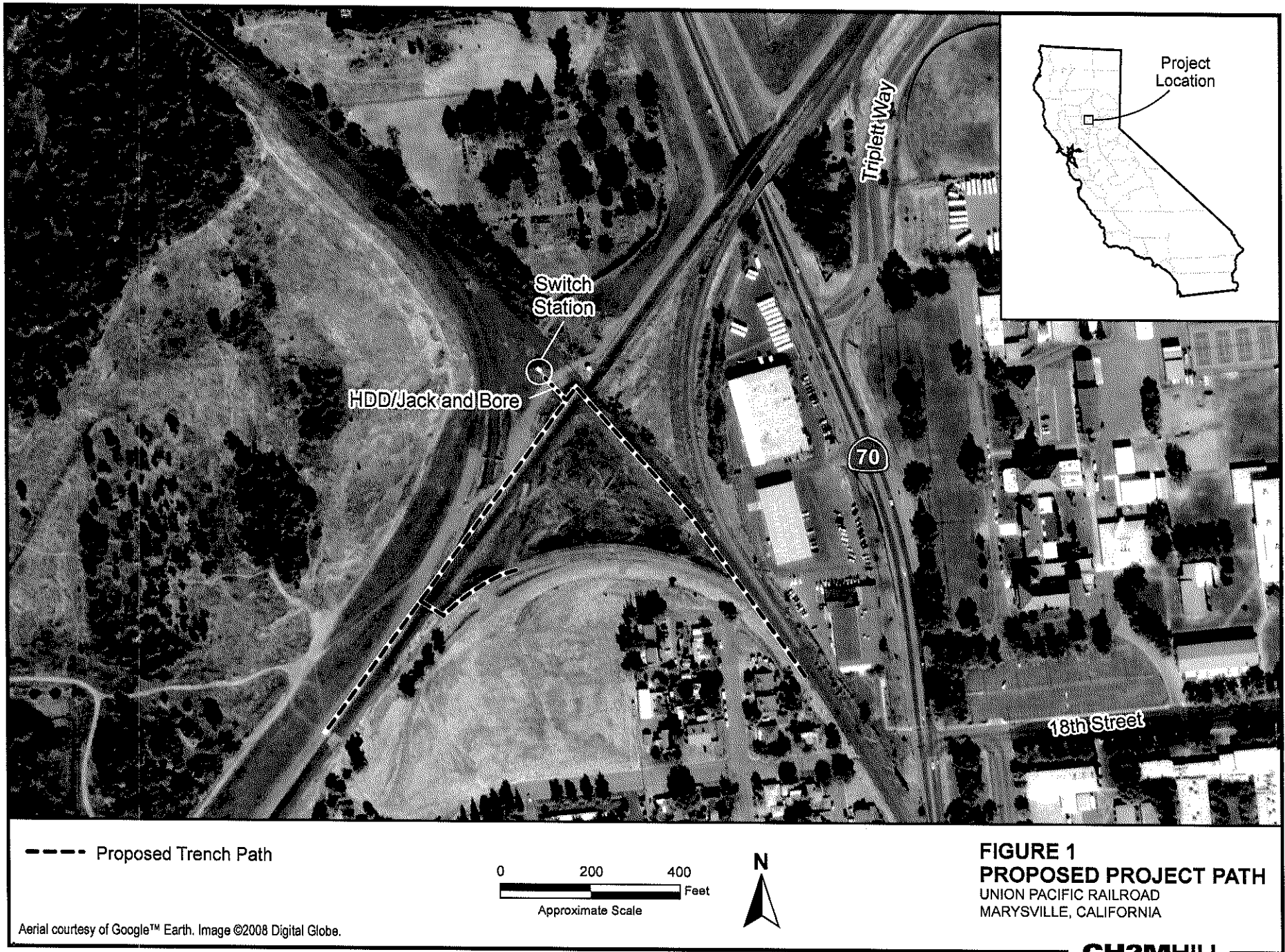
hed land lines indicate approximate locations  
d grant boundaries which follow the banks of  
Feather River are not shown

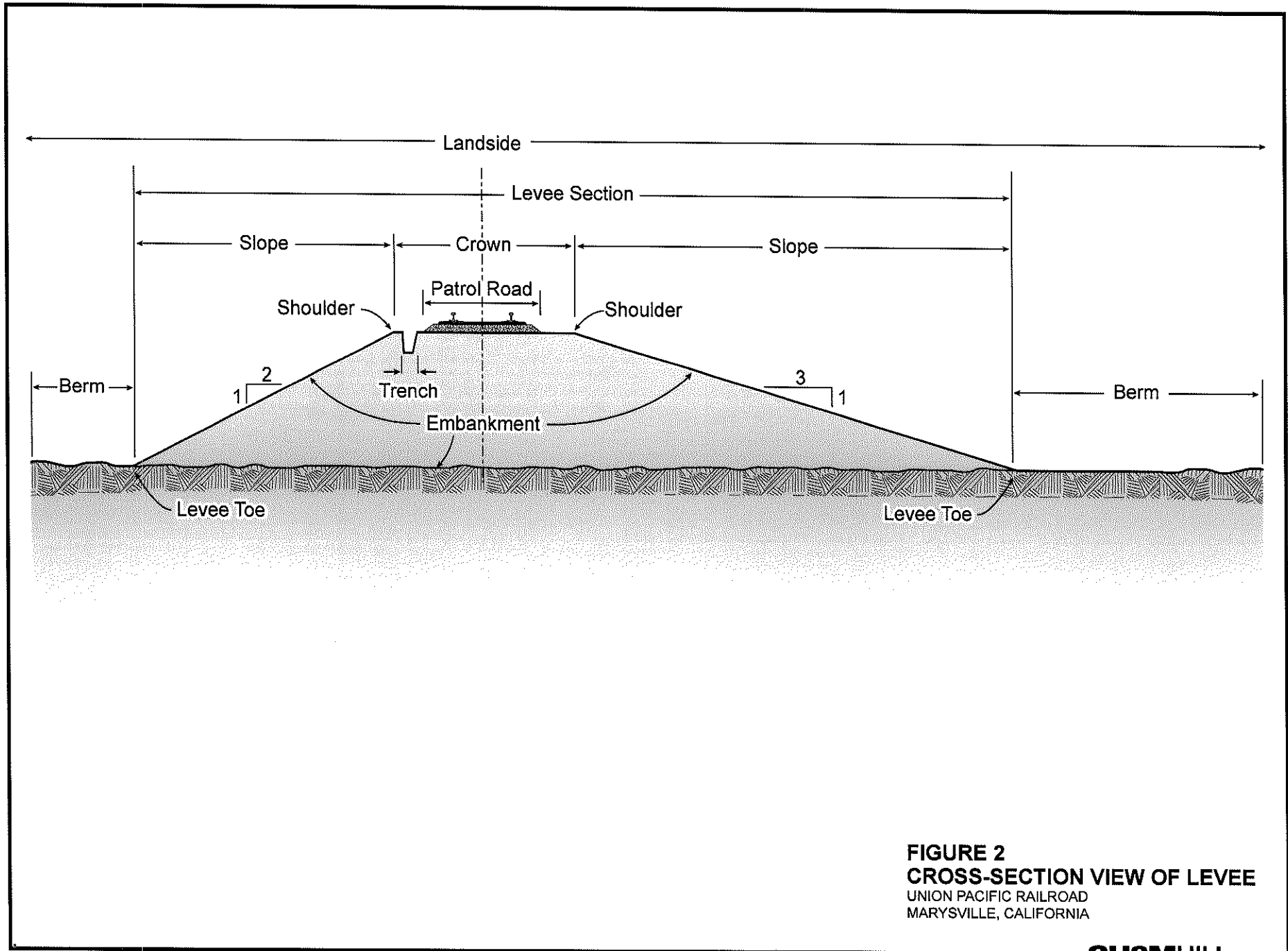


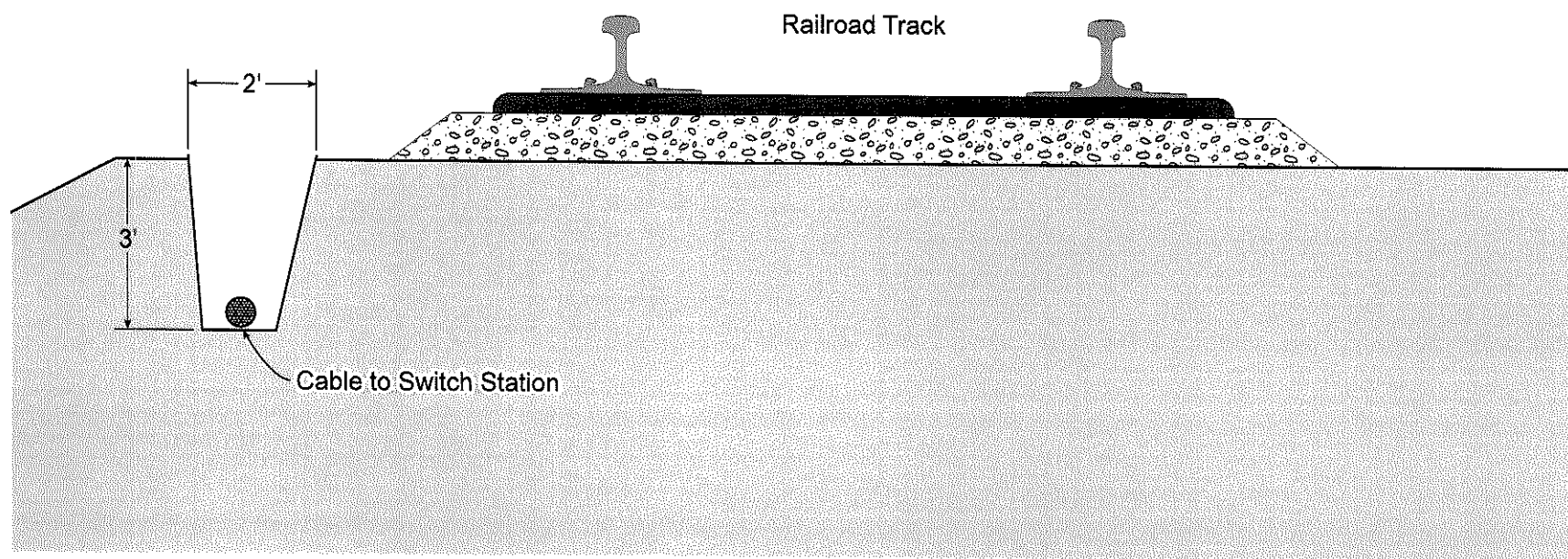
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OLIVEHURST 2 MI.  
32 MI. TO INTERSTATE 5



CONTOUR  
CONTOURS INCOMPLETE  
NATIONAL GEODE





**Note:**

Ditch will be constructed within right-of-way of railroad.

Excavation will be compacted after installation.

Back-fill material will be the same as material removed for cable installation.

**FIGURE 3**  
**CLOSE-UP OF PROPOSED**  
**CABLE AND TRENCH**  
UNION PACIFIC RAILROAD  
MARYSVILLE, CALIFORNIA

